

Congress of the United States
Washington, DC 20515

October 17, 2012

Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

1402

Dear Commissioner Genachowski:

We write today to urge the Federal Communications Commission to reconsider its denial of a waiver of Section 73.409 rules to Clear Creek Radio, Inc. to allow its station, KYGT, to operate with a full-power non-commercial educational (NCE) license.

We ask the FCC to reconsider based on several factors, including the unique mountain terrain which would prevent any interference, the need of Clear Creek County to expand their Emergency Alert System, and the support for the waiver by all affected parties, including potentially at-risk parties.

Because the Continental Divide separates KYGT from Fraser Valley Community Media (FVCM), which has a license to operate a full-power station in Winter Park, there is virtually no possibility that KYGT would interfere with FVCM's signal. This possibility was cited by the FCC in its denial, because FVCM had right to first aural service. We ask that the FCC factor the unique topography of the area into your reconsideration.

Furthermore, Clear Creek County hopes to expand their Emergency Alert System capabilities, especially in light of the recent drought and fire danger in Colorado, as well as the difficulty of travel during the winter. Allowing KYGT to operate at full power would provide the county with the ability to reach a greater number of residents in the case of an emergency.

Finally, there is strong support for the waiver from all of the affected parties and other stakeholders: KYGT; FVCM; the North Fork Angling Society (which has recently withdrawn its request for an FM license); the Clear Creek County Board of Commissioners; and the Mayors of Idaho Springs, Georgetown, Empire, and Silver Plume. Please see the attached stakeholder letters of support for the waiver.

Given all of these factors, most notably the lack of opposition to the waiver, we ask you to strongly consider granting Clear Creek Radio this waiver.

Thank you for your consideration of this matter.

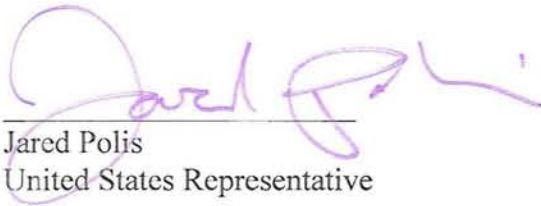
Sincerely,

A handwritten signature in blue ink, appearing to read "Michael F. Bennet", with a stylized flourish at the end.

Michael F. Bennet
United States Senator

A handwritten signature in blue ink, appearing to read "Mark Udall", with a stylized flourish at the end.

Mark Udall
United States Senator

A handwritten signature in blue ink, appearing to read "Jared Polis", with a stylized flourish at the end.

Jared Polis
United States Representative



Clear Creek County

POST OFFICE BOX 2000
GEORGETOWN, COLORADO 80444

TELEPHONE: (303) 569-3251 • (303) 679-2300

August 14, 2012

US Senator Michael Bennet
702 Hart Senate Office Building
Washington D.C. 20510

Dear Senator Bennet:

We, the undersigned, being the County Commissioners of Clear Creek County, the Mayors of Idaho Springs, Georgetown, Empire, and Silver Plume, Colorado request the assistance of the offices of Senators Udall and Bennet, and Congressman Polis to engage the Federal Communications Commission in regards to the application for Review submitted by that mutually exclusive (MX) Group 324.

Clear Creek County is in need of expanding their Emergency Alert System capabilities, especially in light of the recent drought conditions and danger of wildfires.

Our local community radio station, KYGT, is an LPFM station with a limited signal and no opportunity to expand their reach of 50% of our population. It serves the community on many levels, but none more important than to alert our citizenry in the event of wildfires or other disasters.

They applied for a full power non-commercial, educational license in 2007. They were denied the frequency due to another applicant's right to first aural service (Fraser Valley Community Media, Inc.)

Our radio station, operated by Clear Creek Radio, Inc., filed for a waiver of Section 73.509 of the FCC's rules. Fraser Valley Community Media, Inc. in a gracious attempt to help the situation joined the waiver request. The issue lies in the fact that there is no possibility of Clear Creek and Fraser Valleys' signal interfering with one another due to the providential interposition of the continental divide. This waiver was denied.

An Application for Review was filed in January of 2009 and no action has been taken. Below is the summary of that application:

"This is an Application for Review of the Media Bureau's denial of a Joint Waiver Request by all members of MX Group 324. Joint Parties requested a waiver of

Section 73.509 of the Commission's rules and that MX Group 324 be split into three groups. If granted the waiver, three of the four parties would be able to provide radio service without interfering with the other groups.

This action results in depriving two communities of new FM radio service. The Bureau incorrectly assumed that granting the waiver would have far reaching consequences to the enforcement of Section 73.509. Two unique factors are present here: all at risk parties requested the relief and the unique terrain presented prevents any predictable interference except as between parties Fraser Valley and RV Ministries."

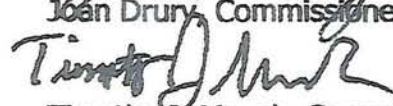
The Board of County Commissioners of Clear Creek County, the Mayors of Idaho Springs, Georgetown, Empire and Silver Plume strongly urge our representatives to address this issue with the FCC and bring it to a satisfactory conclusion which would include the enhancement of our community radio station's ability to inform, educate and alert the citizens of our fair county.

Sincerely,

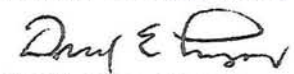
CLEAR CREEK BOARD OF COUNTY COMMISSIONERS


Kevin J. O'Malley, Chairman

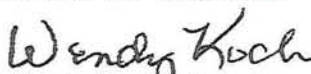

Joan Drury, Commissioner


Timothy S. Mauck, Commissioner

TOWN OF SILVER PLUME


Fred Lyssy, Mayor

TOWN OF EMPIRE


Wendy Koch, Mayor

TOWN OF GEORGETOWN


Kerry Ann McHugh, Mayor

CITY OF IDAHO SPRINGS


Jack Morgan, Mayor

Senator Michael Bennett
1127 Sherman Street
Suite 150, Denver, CO. 80203

Congressman Jared Polis
4770 Baseline Road #220
Boulder, CO. 80303

Senator Mark Udall
999 18th Street, Suite 1525
North Tower, Denver, CO. 80202

Dear Sirs:

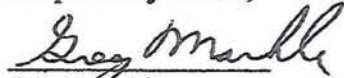
We represent the applicants for REVIEW OF DENIAL OF JOINT WAIVER REQUEST FILED BY MX GROUP 324 before the Federal Communications Commission. This matter concerns the Threshold Fair Distribution Analysis of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations Filed in October 2007 window.

A construction permit was awarded to Fraser Valley Community Media, Inc. However, we feel that the Commission ignored our unique mountainous topography in denying the Joint Waiver Request. The high mountain ridges which are part of the Continental Divide simply will not allow interference between the three proposed FM stations.

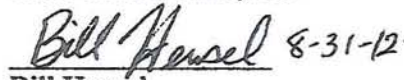
Fraser Valley, though awarded a construction permit, has put their plans on hold to join in this request in the desire to bring community radio to a larger Colorado populace.

Attached is a letter from the political leaders of Clear Creek County requesting that the Commission grant the waiver to Clear Creek Radio, Inc. and The North Fork Angling Society.


Respectfully Yours,



Greg Markle
Clear Creek Radio, Inc.

 8-31-12

Bill Hensel
The North Fork Angling Society



Denis Moynihan
Fraser Valley Community
Media, Inc.

TO WHOM IT MAY CONCERN:

I, Bill Hensel, representing the North Fork Angling Society, and an applicant for REVIEW OF JOINT WAIVER REQUEST filed by MX Group 324 Members which is before the Federal Communications Commission, do hereby withdraw from any pursuit of obtaining a new NCE FM license originally applied for in the October of 2007 window.

Sincerely,

 8-31-12

Bill Hensel
The North Fork Angling Society
28307 Grove Street
Pine Grove, Colorado
80470-8815
08/27/12



FEDERAL COMMUNICATIONS COMMISSION

December 21, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Mark Udall
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Udall:

Thank you for your letter regarding Clear Creek Radio, Inc., RV Ministries, Inc., Fraser Valley Community Media, Inc., and the North Fork Angling Society. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the Media Bureau's Office of Communications and Industry Information.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,



Julius Genachowski

Enclosure



Federal Communications Commission
Washington, D.C. 20554

December 21, 2012

IN REPLY REFER TO:
CN-1201402

The Honorable Mark Udall
United States Senate
328 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Udall:

Thank you for your letter regarding the joint Application for Review filed with the Commission by Clear Creek Radio, Inc., RV Ministries, Inc., Fraser Valley Community Media, Inc., and The North Fork Angling Society. I appreciate the opportunity to update you concerning the status of this matter.

In the 2007 filing window for FM service, each of the above organizations filed separate applications proposing to construct a new NCE FM radio station in Colorado. The Commission determined that the proposals were mutually exclusive, *i.e.*, only one application could be granted, and designated the four applications as MX Group 324. Subsequently, the applicants jointly requested a waiver of the Commission's engineering standard governing overlap of signal strength contours for the proposed stations. The joint request asserted that a waiver would permit the four proposals to establish new full-power NCE FM service to be considered either as "singletons" or as a two-application MX Group. As a result, Clear Creek Radio, Inc., the current licensee of KYGT-LP, Idaho Springs, Colorado, could be authorized to operate a new full-power NCE station.

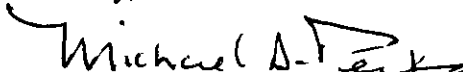
The Media Bureau denied the joint waiver request because the proposal potentially could have far reaching effects for the processing of hundreds of other stations and applications. Therefore, the Bureau concluded that the proposal set forth in the waiver would be better considered in the context of a rulemaking proceeding. More recently, the Bureau selected and authorized Fraser Valley Community Media to construct a new NCE FM station to serve Winter Park, Colorado.

Page 2—The Honorable Mark Udall

As noted in your correspondence, the parties have filed an Application for Review asking the Commission to grant the joint waiver request. Bureau staff currently is evaluating the Application, and intends to make a recommendation to the full Commission in the second quarter of 2013. Please be assured that the issues discussed in the Application and your letter will be considered carefully in reaching a decision concerning this matter.

I hope this information is helpful, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

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Michael S. Perko
Chief, Office of Communications and Industry Information
Media Bureau



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CHAIRMAN

The Honorable Michael Bennett
United States Senate
702 Hart Senate Office Building
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Chief, Office of Communications and Industry Information
Media Bureau



FEDERAL COMMUNICATIONS COMMISSION

December 21, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Jared Polis
U.S. House of Representatives
501 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Polis:

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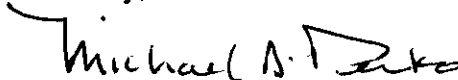
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